

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 12, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldammer, followed by the Pledge of Allegiance led by House pages Ashley Grambihler and Olivianne Stavick.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the eighteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

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1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration
3 HB 1249 and returns the same with the recommendation that said bill be amended as follows:

4 1249ja

5 On page 1, line 12, of the printed bill, delete "is" and insert "may not be less than".

6 1249jb

7 On page 2, line 1, of the printed bill, after "lunch" insert "and for grades six through twelve,
8 the passing time between classes".

9 And that as so amended said bill do pass and be placed on the consent calendar.

10 Also MR. SPEAKER:

11 The Committee on Education respectfully reports that it has had under consideration
12 HB 1005, which was reconsidered, and returns the same with the recommendation that said bill
13 be amended as follows:

14 1005sa

15 On page 1, line 8, of the printed bill, delete everything after "and" and insert "be used for
16 teacher compensation".

17 On page 1, line 9, delete everything before "." .

18 And that as so amended said bill be referred to Appropriations Committee.

19 Respectfully submitted,
20 Jacqueline Sly, Chair

21 Also MR. SPEAKER:

22 The Committee on Commerce and Energy respectfully reports that it has had under
23 consideration HB 1132 and returns the same with the recommendation that said bill do pass.

24 Also MR. SPEAKER:

25 The Committee on Commerce and Energy respectfully reports that it has had under
26 consideration HB 1246 and returns the same with the recommendation that said bill be amended
27 as follows:

1246fa

On page 1 of the printed bill, delete lines 5 to 7, inclusive, and insert:

" 42-7A-38. ~~A video lottery machine may not allow more than two dollars to be played on a game or award free games or credits in excess of one thousand dollars per bet. The~~ commission shall promulgate rules, pursuant to chapter 1-26, establishing the maximum amount of money, not to exceed five dollars, that may be bet per play on a video lottery machine, the maximum award per play, and the award of free games or credits. The payback value of one credit shall be at least eighty percent of the value of the credit."

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1106 and returns the same with the recommendation that said bill be amended as follows:

1106oa

On page 1 of the printed bill, delete lines 9 to 15, inclusive.

On page 2, delete lines 1 to 5, inclusive.

And that as so amended said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration HB 1226 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Roger D. Solum, Chair

Also MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1127 and returns the same with the recommendation that said bill be amended as follows:

1127ja

On page 2, line 6, of the printed bill, delete "and dependants of the debtor".

1 1127je

2 On page 2, line 5, of the printed bill, delete everything after "(9)" and insert "Any court
3 ordered domestic support award of alimony, maintenance, or support of the debtor up to an
4 amount equal to the average monthly pay for an individual based on a forty-hour work week at
5 a rate of minimum wage.".

6 On page 2, delete line 6.

7 And that as so amended said bill do pass.

8 Also MR. SPEAKER:

9 The Committee on Judiciary respectfully reports that it has had under consideration
10 HB 1162 and returns the same with the recommendation that said bill be amended as follows:

11 1162ja

12 On page 2, line 3, of the printed bill, delete ", recklessly, or negligently" and insert "or in
13 reckless disregard".

14
15 And that as so amended said bill do pass.

16 Also MR. SPEAKER:

17 The Committee on Judiciary respectfully reports that it has had under consideration
18 HB 1260 which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Brian G. Gosch, Chair

21 **MESSAGES FROM THE SENATE**

22 MR. SPEAKER:

23 I have the honor to return herewith HCR 1013 in which the Senate has concurred.

1 Also MR. SPEAKER:

2 I have the honor to transmit herewith SB 15, 25, 51, 54, 59, 60, 82, 97, 115, and 163 which
3 have passed the Senate and your favorable consideration is respectfully requested.

4 Respectfully,
5 Jeannette Schipper, Secretary

6 **MOTIONS AND RESOLUTIONS**

7 HCR 1016: A CONCURRENT RESOLUTION, Urging the federal government to enforce
8 United States immigration laws and not grant amnesty to those who have entered the United
9 States illegally.

10 Rep. Nelson moved that HCR 1016 as found on page 315 of the House Journal be adopted.

11 The question being on Rep. Nelson's motion that HCR 1016 be adopted.

12 And the roll being called:

13 Yeas 42, Nays 27, Excused 1, Absent 0

14 Yeas:

15 Anderson; Bolin; Cammack; Campbell; Conzet; Craig; Dryden; Duvall; Ecklund; Erickson;
16 Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Heinemann (Leslie); Hoffman; Johns;
17 Kaiser; Kopp; Langer; Latterell; Magstadt; May; Mickelson; Nelson; Olson (Betty); Otten
18 (Herman); Qualm; Rasmussen; Romkema; Rounds; Russell; Schaefer; Schoenfish; Solum;
19 Stalzer; Steele; Tulson; Verchio; Westra; Wink; Speaker Gosch

20 Nays:

21 Bartling; Carson; Cronin; Feickert; Feinstein; Gibson; Hawks; Hawley; Heinert; Hickey;
22 Hunhoff (Bernie); Killer; Kirschman; Lust; Munsterman; Novstrup (David); Parsley; Peterson;
23 Ring; Rozum; Schrempp; Sly; Soli; Stevens; Tyler; Werner; Wismer

24 Excused:

25 Wick

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the motion carried and HCR 1016 was adopted.

28 Yesterday, Rep. Steele announced his intention to reconsider the vote by which HB 1136
29 lost.

30 Rep. Steele moved that the House do now reconsider the vote by which HB 1136 lost.

1 The question being on Rep. Steele's motion to reconsider the vote by which HB 1136 lost.

2 And the roll being called:

3 Yeas 35, Nays 35, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Campbell; Conzet; Craig; Cronin; Ecklund; Erickson; Haggar (Don);
6 Haggar (Jenna); Heinemann (Leslie); Hickey; Killer; Kopp; Langer; Latterell; Lust; Magstadt;
7 May; Mickelson; Olson (Betty); Otten (Herman); Qualm; Rasmussen; Schoenfish; Sly; Stalzer;
8 Steele; Stevens; Tyler; Westra; Wick; Wink; Speaker Gosch

9 Nays:

10 Cammack; Carson; Dryden; Duvall; Feickert; Feinstein; Gibson; Greenfield; Hajek; Hawks;
11 Hawley; Heinert; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kirschman; Munsterman; Nelson;
12 Novstrup (David); Parsley; Peterson; Ring; Romkema; Rounds; Rozum; Russell; Schaefer;
13 Schrempp; Soli; Solum; Tulson; Verchio; Werner; Wismer

14 So the motion not having received an affirmative vote of a majority of the members-elect,
15 the Speaker declared the motion lost.

16 Rep. Lust moved that SB 98 be referred from the Committee on Taxation to the Committee
17 on State Affairs.

18 Which motion prevailed.

19 Rep. Lust moved that HB 1215 be referred to the Committee on Agriculture and Natural
20 Resources.

21 Which motion prevailed.

22 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
23 Thursday, February 13, the 20th legislative day.

24 Which motion prevailed.

25 HCR 1018 Introduced by: Representatives Gosch, Bartling, Conzet, Craig, Cronin, Duvall,
26 Ecklund, Erickson, Feickert, Feinstein, Gibson, Hajek, Hawks, Hawley, Hoffman, Hunhoff
27 (Bernie), Killer, Kirschman, Langer, Lust, Magstadt, Mickelson, Munsterman, Novstrup
28 (David), Parsley, Peterson, Ring, Rounds, Schrempp, Sly, Soli, Steele, Tyler, Westra, Wick, and
29 Wismer and Senators Rave, Bradford, Brown, Frerichs, Heineman (Phyllis), Hunhoff (Jean),
30 Jensen, Kirkeby, Krebs, Lederman, Lucas, Novstrup (Al), Peters, Rampelberg, Soholt, and
31 Vehle

1 A CONCURRENT RESOLUTION, Recognizing Chronic Obstructive Pulmonary Disease
2 (COPD) as a serious and chronic disease in South Dakota.

3 WHEREAS, Chronic Obstructive Pulmonary Disease (COPD), also known as chronic
4 bronchitis and emphysema, is the third-leading cause of death in the United States and is the
5 second-leading cause of disability; and

6 WHEREAS, pulmonary experts predict that by 2020, COPD will become the leading cause
7 of death worldwide; and

8 WHEREAS, the major risk factor for COPD is smoking. Other risk factors include
9 environmental and workplace exposure to air pollution, a history of childhood respiratory
10 infection, and genetics; and

11 WHEREAS, tobacco use is the single most preventable cause of death and disease in South
12 Dakota; and

13 WHEREAS, chronic lower respiratory disease accounted for six and six-tenths percent of
14 2012 South Dakota resident deaths, including emphysema, asthma, and bronchitis (2012 Vital
15 Statistics); and

16 WHEREAS, approximately 34,000 or five percent of South Dakota adults reported having
17 COPD in 2012; and

18 WHEREAS, the American Association for Respiratory Care reports that just over half of
19 all persons with COPD report that their condition limits their ability to work, while thirty-four
20 percent say that COPD keeps them from working; and

21 WHEREAS, early COPD screening and diagnosis is critical, and a diagnostic test for COPD
22 known as spirometry is available for office use, yet most people are not diagnosed until they
23 have reached an advanced stage of COPD; and

24 WHEREAS, until there is a cure for COPD, increased public awareness, early detection, and
25 proper health management can slow the progression of the disease and lead to reduced costs and
26 improved quality of life and self-sufficiency; and

27 WHEREAS, the South Dakota Chronic Disease State Plan guides the statewide stakeholders
28 working together on efforts to prevent and lessen the burden of chronic disease. The state plan
29 identifies areas for collaboration to reduce cost, as well as increase the impact, of the efforts to
30 improve the health of South Dakotans:

31 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
32 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that COPD is
33 recognized as a chronic health condition in South Dakota which contributes to increasing health
34 care costs and decreasing productivity of its citizens; and

35 BE IT FURTHER RESOLVED, that the Legislature encourages the South Dakota
36 Department of Health to include COPD as a chronic health condition in its efforts to address

1 serious and chronic health conditions in South Dakota by seeking out and applying for funding
2 and grants available to provide public awareness or treatment for COPD in South Dakota; and

3 BE IT FURTHER RESOLVED, that the Legislature encourages the South Dakota
4 Department of Health to include COPD as a chronic health condition in its current efforts to
5 educate the public about the effects of smoking and recognizes the Tobacco Control Program's
6 goals to prevent youth initiation to tobacco products, eliminate exposure to secondhand smoke,
7 and promote cessation among youth and young adults. The South Dakota QuitLine is a
8 Department of Health program that offers cessation service for tobacco users and can be
9 accessed at 1-866-SD-QUITS.

10 Was read the first time and the Speaker waived the committee referral.

11 HCR 1019 Introduced by: Representatives Wink, Anderson, Bartling, Cammack, Erickson,
12 Gosch, Greenfield, Haggar (Don), Hawley, Heinert, Hunhoff (Bernie), Johns, Kopp, Lust,
13 Mickelson, Novstrup (David), Qualm, Rounds, Solum, Stalzer, and Wick and Senators
14 Rampelberg, Begalka, Brown, Frerichs, Jensen, Jones (Chuck), Kirkeby, Krebs, Maher, Monroe,
15 Otten (Ernie), Rave, Solano, Sutton, Tieszen, and Vehle

16 A CONCURRENT RESOLUTION, Petitioning Congress to reauthorize federally provided
17 terrorism reinsurance for insurers.

18 WHEREAS, insurance protects the United States economy from the adverse effects of the
19 risks inherent in economic growth and development while also providing the resources
20 necessary to rebuild physical and economic infrastructure, offer indemnification for business
21 disruption, and provide coverage for medical and liability costs from injuries and loss of life in
22 the event of catastrophic losses to persons or property; and

23 WHEREAS, the terrorist attack of September 11, 2001, produced insured losses larger than
24 any natural or man-made event in history, with claims paid by insurers to their policyholders
25 eventually totaling some \$32.5 billion, making this the second most costly insurance event in
26 United States history; and

27 WHEREAS, the sheer enormity of the terrorist-induced loss, combined with the possibility
28 of future attacks, produced financial shockwaves that shook insurance markets causing insurers
29 and reinsurers to exclude coverage arising from acts of terrorism from virtually all commercial
30 property and liability policies; and

31 WHEREAS, the lack of terrorism risk insurance contributed to a paralysis in the economy,
32 especially in construction, tourism, business travel, and real estate finance; and

33 WHEREAS, the United States Congress originally passed the Terrorism Risk Insurance Act
34 of 2002, Pub. L. 107-297 (TRIA), in which the federal government agreed to provide terrorism
35 reinsurance to insurers and reauthorized this arrangement via the Terrorism Risk Insurance
36 Extension Act of 2005, Pub. L. 109-144, and the Terrorism Risk Insurance Program
37 Reauthorization Act of 2007, Pub. L. 110-160 (TRIPRA); and

1 WHEREAS, under TRIPRA the federal government provides such reinsurance after
2 industry-wide losses attributable to annual certified terrorism events exceed one hundred million
3 dollars; and

4 WHEREAS, coverage under TRIPRA is provided to an individual insurer after the insurer
5 has incurred losses related to terrorism equal to twenty percent of the insurer's previous year
6 earned premium for property-casualty lines; and

7 WHEREAS, after an individual insurer has reached such a threshold, the insurer pays fifteen
8 percent of residual losses and the federal government pays the remaining eighty-five percent;
9 and

10 WHEREAS, the Terrorism Risk Insurance Program has an annual cap of one hundred billion
11 dollars of aggregate insured losses, beyond which the federal program does not provide
12 coverage; and

13 WHEREAS, TRIPRA requires the federal government to recoup one hundred percent of the
14 benefits provided under the program via policy holder surcharges to the extent the aggregate
15 insured losses are less than twenty-seven billion five hundred million dollars and enables the
16 government to recoup expenditures beyond that mandatory recoupment amount; and

17 WHEREAS, without question, TRIA and its successors are the principal reason for the
18 continued stability in the insurance and reinsurance market for terrorism insurance to the benefit
19 of our overall economy; and

20 WHEREAS, the presence of a robust private and public partnership has provided stability
21 and predictability and has allowed insurers to actively participate in the market in a meaningful
22 way; and

23 WHEREAS, without a program such as TRIPRA, many of our citizens who want and need
24 terrorism coverage to operate their businesses all across the nation would be either unable to get
25 insurance or unable to afford the limited coverage that would be available; and

26 WHEREAS, without federally provided reinsurance, property and casualty insurers will face
27 less availability of terrorism reinsurance and will therefore be severely restricted in their ability
28 to provide sufficient coverage for acts of terrorism to support our economy; and

29 WHEREAS, unfortunately, despite the hard work and dedication of this nation's
30 counterterrorism agencies and the bravery of the men and women in uniform who fought and
31 continue to fight battles abroad to keep us safe here at home, the threat from terrorist attacks in
32 the United States is both real and substantial and will remain as such for the foreseeable future:

33 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
34 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the United
35 States Congress and the President of the United States reauthorize the Terrorism Risk Insurance
36 Program.

37 Was read the first time and the Speaker waived the committee referral.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Lust moved that the reports of the Standing Committees on
 3 Health and Human Services on HB 1157 as found on page 368 of the House Journal; also
 4 Agriculture and Natural Resources on HB 1097 as found on page 369 of the House Journal;
 5 also
 6 Taxation on HB 1140 as found on page 370 of the House Journal; also
 7 Taxation on HB 1213 as found on page 370 of the House Journal; also
 8 Taxation on HB 1221 as found on page 371 of the House Journal; also
 9 Transportation on HB 1261 as found on page 372 of the House Journal be adopted.
 10 Which motion prevailed.

11 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

12 SB 15: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
 13 Authority and the Board of Regents to finance, design, construct, furnish, and equip a football
 14 stadium facility at South Dakota State University, to make an appropriation therefor, and to
 15 declare an emergency.

16 Was read the first time and referred to the Committee on Appropriations.

17 SB 25: FOR AN ACT ENTITLED, An Act to establish the procedure to forfeit personal
 18 property in child pornography, human trafficking, child solicitation or exploitation cases, and
 19 to direct money from the forfeitures.

20 Was read the first time and referred to the Committee on Judiciary.

21 SB 51: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
 22 regulation of tobacco.

23 Was read the first time and referred to the Committee on State Affairs.

1 SB 54: FOR AN ACT ENTITLED, An Act to revise the definition of a boat dealer, used
2 vehicle dealer, and dealer of mobile homes or manufactured homes, and to revise certain
3 penalties for selling motor vehicles, snowmobiles, mobile homes, manufactured homes, or boats
4 without a license.

5 Was read the first time and referred to the Committee on Transportation.

6 SB 59: FOR AN ACT ENTITLED, An Act to increase the penalty for the trafficking of
7 vehicle license plates and decals, to prohibit and provide a penalty for the unauthorized transfer
8 of a vehicle license plate or decal, and to impose a penalty for altering or forging certain vehicle
9 registration cards.

10 Was read the first time and referred to the Committee on Transportation.

11 SB 60: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the titling
12 and licensing of boats and motor vehicles and to establish certain penalties for violation of those
13 provisions.

14 Was read the first time and referred to the Committee on Transportation.

15 SB 82: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
16 purchases, sales, and contracts made by public officers with the state or its political subdivisions
17 and to revise certain provisions concerning agreements or other transactions of the South Dakota
18 Housing Development Authority.

19 Was read the first time and referred to the Committee on Commerce and Energy.

20 SB 97: FOR AN ACT ENTITLED, An Act to revoke professional or trade licensure
21 obtained through false degrees.

22 Was read the first time and referred to the Committee on Commerce and Energy.

23 SB 115: FOR AN ACT ENTITLED, An Act to provide for travel insurance and regulate
24 travel insurance retailers.

25 Was read the first time and referred to the Committee on Commerce and Energy.

26 SB 163: FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the
27 underage consumption of alcoholic beverages on the social host's premises and to provide
28 penalties therefor.

29 Was read the first time and referred to the Committee on Judiciary.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 HB 1156: FOR AN ACT ENTITLED, An Act to allow the transmission of electronic
3 documents related to insurance policies.

4 Was read the second time.

5 The question being "Shall HB 1156 pass as amended?"

6 And the roll being called:

7 Yeas 70, Nays 0, Excused 0, Absent 0

8 Yeas:

9 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
10 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
11 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
12 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
13 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
14 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
15 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
16 Wick; Wink; Wismer; Speaker Gosch

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 SB 80: FOR AN ACT ENTITLED, An Act to provide a credit to homebuilt aircraft for
20 sales and use taxes when paying the aircraft registration tax and to make a reimbursement to the
21 aeronautics fund for the amount of the credit granted.

22 Was read the second time.

23 The question being "Shall SB 80 pass?"

24 And the roll being called:

25 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 Speaker declared the bill passed and the title was agreed to.

12 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

13 Rep. Lust moved that HB 1122 and 1171 be placed to precede HB 1111 on today's
14 calendar.

15 Which motion prevailed.

16 HB 1169: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption
17 interests during sale of homestead or separation of owners.

18 Was read the second time.

19 1169ja

20 Rep. Hickey moved that HB 1169 be amended as follows:

21 On page 2 of the printed bill, delete lines 12 to 18, inclusive, and insert:

22 " If an owner is required to leave a homestead pursuant to a protection order obtained by the
23 owner's spouse or to otherwise preserve peace in the home, the owner's absence from the
24 homestead may not be considered a waiver or abandonment of the owner's interest in the
25 homestead, unless there is evidence to the contrary. If the court orders the division of the
26 homestead pursuant to § 25-4-44 and imposes a lien for the benefit of the nonoccupant owner
27 pursuant to § 25-4-42, the owner's absence from the homestead, unless there is evidence to the
28 contrary, may not be considered a forfeiture of the homestead exemption and any proceeds
29 secured by the judicial lien for a period of one year from the date of receipt of the proceeds is
30 exempt.".

31 Which motion prevailed.

1 The question being "Shall HB 1169 pass as amended?"

2 And the roll being called:

3 Yeas 68, Nays 2, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
6 Duvall; Ecklund; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
7 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
8 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
9 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
10 Qualm; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli;
11 Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;
12 Speaker Gosch

13 Nays:

14 Erickson; Rasmussen

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 Speaker declared the bill passed and the title was agreed to.

17 HB 1163: FOR AN ACT ENTITLED, An Act to authorize farm mutual insurers to invest
18 funds in certain stocks and market funds.

19 Was read the second time.

20 The question being "Shall HB 1163 pass as amended?"

21 And the roll being called:

22 Yeas 70, Nays 0, Excused 0, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
25 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
26 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
27 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
28 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
29 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
30 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
31 Wick; Wink; Wismer; Speaker Gosch

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 Speaker Pro tempore Wink now presiding.

2 HB 1177: FOR AN ACT ENTITLED, An Act to restrict the regulation by local
3 governments of distracted or inattentive driving, to prohibit the use of certain handheld
4 electronic wireless communication devices, and to provide a penalty therefor.

5 Was read the second time.

6 The question being "Shall HB 1177 pass as amended?"

7 And the roll being called:

8 Yeas 53, Nays 17, Excused 0, Absent 0

9 Yeas:

10 Anderson; Bartling; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
11 Ecklund; Feickert; Feinstein; Gibson; Greenfield; Hajek; Hawks; Hawley; Heinemann (Leslie);
12 Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kopp; Langer; Lust; Magstadt;
13 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Parsley; Rasmussen; Ring;
14 Romkema; Rounds; Rozum; Schaefer; Schrempp; Sly; Soli; Stalzer; Stevens; Tulson; Tyler;
15 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

16 Nays:

17 Bolin; Erickson; Haggar (Don); Haggar (Jenna); Kaiser; Kirschman; Latterell; May; Nelson;
18 Otten (Herman); Peterson; Qualm; Russell; Schoenfish; Solum; Steele; Verchio

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 Speaker Gosch now presiding.

22 HB 1198: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
23 administration of medical treatment for individuals with mental illness.

24 Was read the second time.

25 The question being "Shall HB 1198 pass?"

26 And the roll being called:

27 Yeas 68, Nays 2, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly;
8 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
9 Wismer; Speaker Gosch

10 Nays:

11 Nelson; Russell

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1135: FOR AN ACT ENTITLED, An Act to revise certain exceptions to special
15 assessments levied upon real property.

16 Was read the second time.

17 The question being "Shall HB 1135 pass?"

18 And the roll being called:

19 Yeas 69, Nays 1, Excused 0, Absent 0

20 Yeas:

21 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
22 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
23 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
24 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
25 Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
26 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
27 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
28 Wick; Wink; Wismer; Speaker Gosch

29 Nays:

30 Nelson

31 So the bill having received an affirmative vote of a majority of the members-elect, the
32 Speaker declared the bill passed and the title was agreed to.

1 HB 1192: FOR AN ACT ENTITLED, An Act to designate the Black Hills Mining
2 Museum in Lead as the official mining museum of South Dakota.

3 Was read the second time.

4 The question being "Shall HB 1192 pass?"

5 And the roll being called:

6 Yeas 68, Nays 2, Excused 0, Absent 0

7 Yeas:

8 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
9 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek;
10 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;
11 Kaiser; Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman;
12 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
13 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
14 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
15 Wismer; Speaker Gosch

16 Nays:

17 Greenfield; Latterell

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 HB 1218: FOR AN ACT ENTITLED, An Act to authorize school districts to use certain
21 tax levies for pension and health insurance purposes.

22 Was read the second time.

23 Rep. Cronin moved the previous question.

24 Which motion prevailed.

25 The question being "Shall HB 1218 pass?"

26 And the roll being called:

27 Yeas 39, Nays 31, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Campbell; Craig; Duvall; Ecklund; Feinstein; Greenfield; Haggar
3 (Jenna); Hawley; Hickey; Hunhoff (Bernie); Killer; Kirschman; Kopp; Lust; Magstadt;
4 Mickelson; Munsterman; Nelson; Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
5 Rasmussen; Ring; Romkema; Rozum; Schoenfish; Sly; Soli; Stalzer; Steele; Stevens; Tulson;
6 Tyler; Werner

7 Nays:

8 Cammack; Carson; Conzet; Cronin; Dryden; Erickson; Feickert; Gibson; Haggar (Don); Hajek;
9 Hawks; Heinemann (Leslie); Heinert; Hoffman; Johns; Kaiser; Langer; Latterell; May; Novstrup
10 (David); Rounds; Russell; Schaefer; Schrempp; Solum; Verchio; Westra; Wick; Wink; Wismer;
11 Speaker Gosch

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1228: FOR AN ACT ENTITLED, An Act to repeal the prohibition against carrying
15 permitted concealed weapons in the state capitol.

16 Was read the second time.

17 1228fa

18 Rep. Stalzer moved that HB 1228 be amended as follows:

19 On page 1, after line 8 of the printed bill, insert:

20 " Section 2. That chapter 22-14 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Any person who knowingly possesses or causes to be present any firearm or other dangerous
23 weapon, in the state capitol, or attempts to do so, is guilty of a Class 1 misdemeanor. However,
24 this section does not apply to any person who is carrying a concealed pistol and possesses a
25 permit to carry a concealed pistol issued pursuant to chapter 23-7."

26 Which motion prevailed.

27 1228ja

28 Rep. Wink moved that HB 1228 be further amended as follows:

29 On page 1, line 8, of the printed bill, after "." insert "However, the state capitol is
30 considered a county courthouse on days when the Supreme Court meets, on legislative days, and
31 on the day of the Governor's budget address.".

1 A roll call vote was requested and supported.

2 The question being on Rep. Wink's motion that HB 1228 be further amended.

3 And the roll being called:

4 Yeas 37, Nays 33, Excused 0, Absent 0

5 Yeas:

6 Anderson; Bartling; Bolin; Cammack; Dryden; Duvall; Erickson; Feinstein; Hajek; Hawks;
7 Hawley; Heinert; Hickey; Hoffman; Johns; Killer; Kirschman; Langer; Lust; Mickelson;
8 Novstrup (David); Parsley; Peterson; Rasmussen; Ring; Romkema; Rozum; Schaefer;
9 Schrempp; Sly; Soli; Solum; Stevens; Tulson; Tyler; Westra; Wismer

10 Nays:

11 Campbell; Carson; Conzet; Craig; Cronin; Ecklund; Feickert; Gibson; Greenfield; Haggar
12 (Don); Haggar (Jenna); Heinemann (Leslie); Hunhoff (Bernie); Kaiser; Kopp; Latterell;
13 Magstadt; May; Munsterman; Nelson; Olson (Betty); Otten (Herman); Qualm; Rounds; Russell;
14 Schoenfish; Stalzer; Steele; Verchio; Werner; Wick; Wink; Speaker Gosch

15 So the motion having received an affirmative vote of a majority of the members present,
16 the Speaker declared the motion carried, and HB 1228 was so further amended.

17 The question being "Shall HB 1228 pass as amended?"

18 And the roll being called:

19 Yeas 33, Nays 34, Excused 3, Absent 0

20 Yeas:

21 Campbell; Conzet; Craig; Cronin; Ecklund; Greenfield; Haggar (Don); Haggar (Jenna);
22 Heinemann (Leslie); Hickey; Hoffman; Kaiser; Kopp; Latterell; Lust; Magstadt; May;
23 Mickelson; Olson (Betty); Otten (Herman); Qualm; Rasmussen; Romkema; Russell;
24 Schoenfish; Sly; Stalzer; Steele; Stevens; Westra; Wick; Wink; Speaker Gosch

25 Nays:

26 Anderson; Bartling; Bolin; Cammack; Carson; Dryden; Duvall; Erickson; Feickert; Gibson;
27 Hajek; Hawks; Hawley; Heinert; Hunhoff (Bernie); Johns; Killer; Kirschman; Langer;
28 Munsterman; Novstrup (David); Parsley; Peterson; Ring; Rounds; Schaefer; Schrempp; Soli;
29 Solum; Tulson; Tyler; Verchio; Werner; Wismer

30 Excused:

31 Feinstein; Nelson; Rozum

32 So the bill not having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill lost.

1 Rep. Lust moved that the balance of the calendar including HB 1122, 1171, and 1111 and
2 SB 12, 64, 55, 27, 31, 32, 63, and 14 be deferred to Thursday, February 13, the 20th legislative
3 day.

4 Which motion prevailed.

5 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
6 5:10 p.m. the House adjourned.

7
Arlene Kvislen, Chief Clerk

